

ASSEMBLY BILL

No. 1374

Introduced by Assembly Member Hernandez

February 23, 2007

An act to amend Section 830.6 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1374, as introduced, Hernandez. Peace officers: reserve housing authority patrol officers.

Existing law authorizes qualified persons to be deputized or appointed as reserve or auxiliary sheriffs or police officers of various local governmental agencies, which reserve officers are assigned to the prevention and detection of crime and the general enforcement of the laws of this state, and are considered peace officers, under specified circumstances.

This bill would expressly include all reserve housing authority patrol officers employed by a housing authority, as defined, among those reserve officers who are considered peace officers.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 830.6 of the Penal Code is amended to
- 2 read:
- 3 830.6. (a) (1) Whenever any qualified person is deputized or
- 4 appointed by the proper authority as a reserve or auxiliary sheriff
- 5 or city police officer, a reserve deputy sheriff, a reserve deputy

1 marshal, a reserve police officer of a regional park district or of a
2 transit district, a reserve park ranger, a reserve harbor or port police
3 officer of a county, city, or district as specified in Section 663.5
4 of the Harbors and Navigation Code, a reserve deputy of the
5 Department of Fish and Game, a reserve special agent of the
6 Department of Justice, a reserve officer of a community service
7 district which is authorized under subdivision (h) of Section 61600
8 of the Government Code to maintain a police department or other
9 police protection, a reserve officer of a school district police
10 department under Section 35021.5 of the Education Code, a reserve
11 officer of a community college police department under Section
12 72330, ~~or~~ a reserve officer of a police protection district formed
13 under Part 1 (commencing with Section 20000) of Division 14 of
14 the Health and Safety Code, *or a reserve housing authority patrol*
15 *officer employed by a housing authority defined in subdivision (d)*
16 *of Section 830.31*, and is assigned specific police functions by that
17 authority, the person is a peace officer, if the person qualifies as
18 set forth in Section 832.6. The authority of a person designated as
19 a peace officer pursuant to this paragraph extends only for the
20 duration of the person's specific assignment. A reserve park ranger
21 or a transit, harbor, or port district reserve officer may carry
22 firearms only if authorized by, and under those terms and
23 conditions as are specified by, his or her employing agency.

24 (2) Whenever any qualified person is deputized or appointed
25 by the proper authority as a reserve or auxiliary sheriff or city
26 police officer, a reserve deputy sheriff, a reserve deputy marshal,
27 a reserve park ranger, a reserve police officer of a regional park
28 district, transit district, community college district, or school
29 district, a reserve harbor or port police officer of a county, city, or
30 district as specified in Section 663.5 of the Harbors and Navigation
31 Code, a reserve officer of a community service district that is
32 authorized under subdivision (h) of Section 61600 of the
33 Government Code to maintain a police department or other police
34 protection, or a reserve officer of a police protection district formed
35 under Part 1 (commencing with Section 20000) of Division 14 of
36 the Health and Safety Code, and is so designated by local ordinance
37 or, if the local agency is not authorized to act by ordinance, by
38 resolution, either individually or by class, and is assigned to the
39 prevention and detection of crime and the general enforcement of
40 the laws of this state by that authority, the person is a peace officer,

1 if the person qualifies as set forth in paragraph (1) of subdivision
2 (a) of Section 832.6. The authority of a person designated as a
3 peace officer pursuant to this paragraph includes the full powers
4 and duties of a peace officer as provided by Section 830.1. A
5 transit, harbor, or port district reserve police officer, or a city or
6 county reserve peace officer who is not provided with the powers
7 and duties authorized by Section 830.1, has the powers and duties
8 authorized in Section 830.33, or in the case of a reserve park ranger,
9 the powers and duties that are authorized in Section 830.31, *or in*
10 *the case of a reserve housing authority patrol officer, the powers*
11 *and duties that are authorized in subdivision (d) of Section 830.31,*
12 and a school district reserve police officer or a community college
13 district reserve police officer has the powers and duties authorized
14 in Section 830.32.

15 (b) Whenever any person designated by a Native American tribe
16 recognized by the United States Secretary of the Interior is
17 deputized or appointed by the county sheriff as a reserve or
18 auxiliary sheriff or a reserve deputy sheriff, and is assigned to the
19 prevention and detection of crime and the general enforcement of
20 the laws of this state by the county sheriff, the person is a peace
21 officer, if the person qualifies as set forth in paragraph (1) of
22 subdivision (a) of Section 832.6. The authority of a peace officer
23 pursuant to this subdivision includes the full powers and duties of
24 a peace officer as provided by Section 830.1.

25 (c) Whenever any person is summoned to the aid of any
26 uniformed peace officer, the summoned person is vested with the
27 powers of a peace officer that are expressly delegated to him or
28 her by the summoning officer or that are otherwise reasonably
29 necessary to properly assist the officer.